

REMARKS

In response to the Office Action, Claims 1, 5, 7, 9 and 10 are amended. Claims 1-10 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

I. Objection to the Claims

Claims 1 and 5 are objected to because of various informalities. Applicants have amended Claims 1 and 5 in accordance with the Examiner's suggestion to overcome these objections. Applicants have also amended Claims 7 and 9 to add a comma after the word "terminal" for clarity. Withdrawal of the objection is respectfully requested.

II. Claims Rejected Under 35 U.S.C. § 103

A. Claims 1, 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,615,266 issued to Altschuler ("Altschuler") in view of U.S. Patent No. 7,133,696 issued to Mauro II ("Mauro")

To establish a *prima facie* case of obviousness, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art.

Claim 1, as amended, includes the elements of:

"a) combining token header data of variable lengths to form a token header and generating a token including the token header, the token header data having the lowest occurrence of generation among voice data outputted from a vocoder...."

Applicants submit that Altschuler in view of Mauro does not teach or suggest at least these elements.

Altschuler discloses sending an auto-secure request using a distinctive tone (col. 4, lines 59-64). The distinctive tone is a tone reserved for the auto-secure request. Thus, the distinctive tone does not have the lowest occurrence of generation among voice data outputted from a vocoder. Rather, the distinctive tone is determined before the transmission of the voice data. Altschuler's distinctive tone is reserved prior to the transmission of the voice data, instead of determined from voice data that has been generated.

The Examiner cites col. 4, lines 59-64 of Altschuler for suggesting the use of a distinctive tone of a lowest frequency generated from the vocoder. However, the cited passage merely mentions that “[t]he auto-secure request signal may be a distinctive tone, DTMF signal, or other signal or message that may be communicated over the established clear communication path.” There is nothing in this passage that teaches or suggests using the voice data that has the lowest occurrence of generation as token header data.

Mauro discloses the use of an encryption key for activating a security communication. Mauro is relied on for disclosing a special voice packet used for secure communications. The Examiner admits that the header of the special voice packet is predetermined (page 4, second paragraph of the Final Office Action). However, the Examiner asserts that “even though the sequence of bits is predetermined, it may necessarily be based on a sequence of bits with very low rate of occurrence” (page 4, second paragraph of the Final Office Action). Applicants submit that the Examiner’s assertion is based on pure hindsight with no support in the cited references. Both Altschuler and Mauro disclose the use of a predetermined tone or bit sequence to distinguish from normal voice data. Neither reference discloses the determination of token header data from the voice data that has been generated.

Moreover, neither Altschuler nor Mauro teaches or suggests combining token header data of variable lengths to form a token header. There is no indication that the distinctive tone of Altschuler or the special packet of Mauro is formed by combining data of variable lengths to form a token header after the voice data is generated.

Analogous discussions apply to independent Claim 9, which is amended to include similar limitations. Thus, for at least the foregoing reasons, Claims 1 and 9 are non-obvious over the cited references. Claim 10 depends from Claim 1 and incorporates the limitations thereof. Thus, for at least the reasons mentioned above with respect to Claim 1, Claim 10 is non-obvious over the cited references. Accordingly, reconsideration and withdrawal of the rejection of Claims 1, 9 and 10 are respectfully requested.

B. Claims 2-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Altschuler in view of Mauro and further in view of U.S. Patent No. 6,889,321 issued to Kung. (“Kung”).

Claims 2-8 depend from Claim 1 and incorporate the limitations thereof. Thus, for at least the reasons mentioned above with respect to Claim 1, Claims 2-8 are non-obvious over Altschuler in view of Mauro.

Kung discloses the generation of a token for entering a security communication mode. However, Kung does not cure the deficiency of Altschuler and Mauro. Kung does not disclose combining token header data of variable lengths to form a token header, wherein the token header data has the lowest occurrence of generation among the voice data outputted from a vocoder. Thus, for at least the foregoing reasons, Claims 2-8 are non-obvious over the cited references. Accordingly, reconsideration and withdrawal of the rejection of Claims 2-8 are respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date.

Per 37 C.F.R. §1.136(a) and in connection with the Final Office Action mailed May 1, 2007, Applicants respectfully petition the Commissioner for a one (1) month extension of time, extending the period of response to September 1, 2007. The Commissioner is hereby authorized to charge payment to Deposit Account No. 02-2666 in the amount of \$60.00 to cover the small entity petition filing fee. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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Marilyn Bass

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